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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,844	10/07/2003	Patricia Helen Reynolds	1001-001	7112

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EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,844

Applicant(s)

REYNOLDS, PATRICIA HELEN

Examiner

Vishu K. Mendiratta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9-16,23-25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9: The newly added limitation is unclear in the sequence of method steps.

Claim Rejections - 35 USC § 102

1. Claims 17-18, 25-27 rejected under 35 U.S.C. 102(b) as being anticipated by Stevens (5607160).

Claim 17: Stevens teaches a board having a top surface, a path, game spaces (1), at least one space being a religious action space (Q,A,D), a trivia card with religious questions and answers (Fig.2A), a plurality of tokens (21), die (22), a debate mechanism (4:34-56), and a religious –action mechanism (4:10-30). Stevens further teaches the limitation of spaces divided into religious sets (trinity). The examiner takes the position that many religions recognize sanctity of Father, Son and Holy spirit in some way or the other with different interpretations. For example the creator of the world is referred as Father in many religions. Applicant may note that newly added limitation “where the playing team loses its turn” is a rule for playing and do not further limit the apparatus in the claim.

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Claim 18: An opposition player challenging believing that a playing team has answered incorrectly (4:34-56).

Claim 25: Stevens teaches religious action Passover (Fig.2B, reference character 19).

Claim 26: Claim is a rule for playing and rules do not further limit the claim.

Claim 27: Multiple choice questions (3:34-36).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Ex. Parte Breslow 192 USPQ 431.

Stevens teaches a game with trivia categories of "Father", "Son" and "Holy Spirit".

Stevens further teaches the limitation of spaces divided into religious sets (trinity). The examiner takes the position that many religions recognize sanctity of Father, Son and Holy spirit in some way or the other with different interpretations. For example the creator of the world is referred as Father in many religions.

Stevens teaches all limitations except that it does not expressly indicate the categories being different religions as in applicant's claim 20.

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The only difference between applicant's categories (different religions) and the cited reference (Father, Son and Holy Spirit) resides in meaning and information conveyed by the printed matter that is not considered patentable Ex. Parte Breslow. The game will not change because a different question from a different category/religion is asked. In order to attract game players from different faith, it would have been obvious to print related questions and act indicia on game items. One of ordinary skill in art at the time the invention was made would have suggested modifying game indicia to represent actions and questions from a plurality of different religions to attract players from different faith.

4. Claims 1-8, 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (5120066) in view of Ex. Parte Breslow 192 USPQ 431.

Claims 1,5,8: Cohen teaches a trivia card (Fig.2-3) with questions and answers, teaches designating a player (5:68-6:1) and opposite player (6:29), a player providing answer (6:17-18), a challenged by an opponent (6:28-29), the challenger providing answer (6:30-31), resolving the dispute and awarding/penalizing the player/challenger depending on who answers correctly.

Cohen teaches a game with trivia categories of "words and sub-words". The only difference between applicant's categories (religions) and the cited reference (words and sub-words) resides in meaning and information conveyed by the printed matter that is not considered patentable Ex. Parte Breslow. The game will not change because a different question from a different category is asked. In order to attract game players from different faith, it would have been obvious to print related questions and act indicia

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on game items. One of ordinary skill in art at the time the invention was made would have suggested modifying game indicia to represent actions and questions from a plurality of different religions to attract players from different faith.

Claim 2-3: Cohen teaches rectangular surface, path and spaces (Fig.1),

Claim 4: Trivia cards have questions and answer on opposite sides (3,9).

Claim 6: Rewarding by advancing pieces (6:38-42).

Claim 7: Penalizing by retreating pieces (6:24-27).

Claim 21: Cohen teaches multiple questions (Fig.2).

Allowable Subject Matter

5. Claim 9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. Claims 10-16,23-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: None of the cited prior art references either alone or in combination disclose a method of playing a game wherein a playing team incorrectly answering and losing a turn; answering correctly, rolling a die and advancing; if landing on a religion based space, performing a religion based act and losing a turn; and opposing player taking the role of playing team. (see applicant's fig.3)

Response to Arguments

8. Applicant's arguments filed 5/25/05 with respect to claims 17,18,20,25-27 have been fully considered but they are not persuasive. Many religions allow "participants to perform rituals in their own ways using self-created gestures or available objects" and that would be treated as "a predetermined way of performing". Applicant may further note that claim 17 is an apparatus claim and newly added limitations "where the player loses its turn" are rules for playing and do not further limit the claim. Further the wherein limitation "that requires..... loses its turn" is rule for playing and not considered limiting the apparatus in the claim. Further contrary to the remarks in page 11 line 16, applicant's claim 17 has no indication of "multiple religions". Claiming "religion sets" is not considered same as "multiple religions".

With respect to Ex. Parte Breslow, examiner takes the position that changing a game theme from one religion to another theme does not change the game or the method of playing.

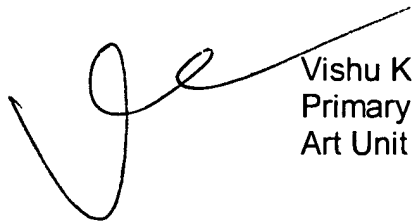
With respect to claims 1-8,21 Cohen may be teaching a different theme, the only difference between Cohen and applicant's claims resides in meaning and information conveyed by the printed matter on spaces. Such printed matter differences are not patentable Ex. Parte Breslow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Vishu K Mendiratta', written in a cursive style.

Vishu K Mendiratta
Primary Examiner
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VKM
August 10, 2005